REMARKS

In the Office Action[1], the Examiner objected to claim 2 and rejected claims 1-17 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,738,905 to Kravitz et al. ("*Kravitz*") in view of U.S. Patent No. 5,010,571 to Katznelson ("*Katznelson*").

By this amendment, Applicants amend claim 1, cancel claims 2 and 10-17 without prejudice or disclaimer, and add claim 18. Claims 1, 3-9, and 18 are now pending.

I. Objection to Claim 2

Claim 2 has been cancelled, rendering this objection moot.

II. Rejection of claims 1-17 under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of claims 1-17 under 35 U.S.C. § 103(a) as being unpatentable over U.S. *Kravitz* in view of *Katznelson*. A *prima facie* case of obviousness has not been established with respect to claims 1 and 3-9. The rejection regarding cancelled claims 2 and 10-17 is now moot.

The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. *See* M.P.E.P. § 2142, 8th Ed., Rev. 6 (Sept. 2007). Such an analysis should be made explicit and cannot be premised upon mere conclusory statements. *See* id. "A conclusion of obviousness requires that the reference(s) relied upon be enabling in that it put the public in possession of the claimed invention." M.P.E.P. § 2145. Furthermore,

[1] The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

"[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of the ordinary skill in the art" at the time the invention was made. M.P.E.P. § 2143.01(III), internal citation omitted. Moreover, "[i]n determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious." M.P.E.P. § 2141.02(I), internal citations omitted (emphasis in original).

"[T]he framework for objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.,* 383 U.S. 1, 148 USPQ 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]sertaining the differences between the claimed invention and the prior art." M.P.E.P. § 2141(II). "Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." M.P.E.P. § 2141(III).

Claim 1 recites, among other things, a content delivery service providing apparatus comprising:

> *an encrypted content key control unit which accumulates the content keys*...and, *using the medium information* or the medium information and terminal device unique key information presented at the user's content request, *encrypts the content key* corresponding to the requested content, and issues the encrypted content key to the terminal unit of the requesting user.

(emphasis added).

Kravitz discloses a content provider. Abstract. The content provider generates and encrypts content, and then generates a key to decrypt the content. Col. 5, lines 53-60. A broadcaster can then broadcast the encrypted content to a subscriber, and the subscriber can receive the keys from a conditional access provider. Col. 5, line 57 - Col. 6, line 5. The keys can then be used to decrypt the content. Col. 6, lines 5-9. However, *Kravitz* does not teach or suggest a content delivery service providing apparatus comprising:

> *an encrypted content key control unit which accumulates the content keys*...and, *using the medium information* or the medium information and terminal device unique key information presented at the user's content request, *encrypts the content key* corresponding to the requested content, and issues the encrypted content key to the terminal unit of the requesting user.

(emphasis added).

Katznelson does not cure the deficiencies of *Kravitz*, nor does the Examiner rely of *Katznelson* to cure the deficiencies of *Kravitz*. *Katznelson* discloses a system for authorizing access to a file on a customer terminal. Col. 2, lines 7-11. A key terminal receives a signal and determines if the customer terminal is authorized to access a file. Col. 2, lines 16-22. A key for the file is encrypted with a unit key, which is permanently stored in each customer terminal, and sent to the customer terminal. Col. 2, lines 38-45; Figure 1. Neither these portions of *Katznelson,* nor any other portions of *Katznelson*, constitutes a teaching of:

> *an encrypted content key control unit which accumulates the content keys*...and, *using the medium information* or the medium information and terminal device unique key information presented at the user's content request, *encrypts the content key* corresponding to the requested content, and

> issues the encrypted content key to the terminal unit of the requesting user.
>
> (emphasis added).

Moreover, embodiments of the present invention may protect copyright material against unauthorized copying and distribution by users, and prevent unauthorized distribution of copyright material from copyright owners by content deliverers. As shown in FIG. 1A, a content key is stored in encrypted content key control unit 130 and encrypted content is stored in control delivery control unit 140. The content key is encrypted based on both the medium information and the terminal device unique key or based on only the medium information. Accordingly, even if content deliverers having content delivery control unit 140 copy and distribute the stored encrypted content without authorization, the receivers of the distributed content cannot view the content without acquiring the authorization key. Also, when encrypted content key control unit 130 delivers the encrypted content key to user-side unit 200, and the key is obtained without authorization, the delivered key is encrypted based on medium information and device unique key information so that the content key cannot be decrypted without the corresponding media.

In view of the above deficiencies of *Kravitz* and *Katznelson*, the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and claim 1. Accordingly, the Office Action has failed to clearly articulate a reason why the claim would have been obvious to one of ordinary skill in view of *Kravitz* and *Katznelson* Therefore, a *prima facie* case of obviousness has not been established for claim 1.

Claims 3-9 are not obvious in view of *Kravitz* and *Katznelson* at least due to their dependence from claim 1. Therefore, the rejection of claims 1 and 3-9 under 35 U.S.C. § 103(a) is improper and should be withdrawn.

New claim 18 depends on claim 1 and, accordingly, is allowable over the cited references at least due to its dependence.

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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